



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

March 31, 2025

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe, U.S.D.J.

Dated: April 1, 2025

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Roberto Cartagena*, 24 Cr. 516 (PGG)

Dear Judge Gardephe:

In advance of the June 9, 2025 trial date in the above matter, the Government respectfully submits this letter on behalf of the parties to inform the Court that the parties have jointly agreed to the following pretrial disclosure deadlines, which they request that the Court adopt:

May 9, 2025: The Government provides notice to the defendant of evidence it reasonably seeks to offer pursuant to Federal Rule of Evidence 404(b). This notice will be subject to good-faith revision as the Government continues to prepare its case for trial.

The parties provide, consistent with the requirements of Federal Rule of Criminal Procedure 16, notice of experts potentially to be called, if any, during the Government's case-in-chief or the defendant's case.

The Government provides to the defendant material covered by 18 U.S.C. § 3500 and *Giglio v. United States*, 405 U.S. 150 (1972), to the extent it was not previously produced to the defendant.

The parties file motions *in limine*,¹ proposed voir dire, proposed jury instructions, and proposed verdict forms.

May 16, 2025: The parties file responses to motions *in limine*, proposed voir dire, proposed jury instructions, and proposed verdict forms.

¹ The parties agree that this is an initial deadline for motions *in limine* and either party may file additional motions *in limine* based on disclosures made on or after this date.

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The Government provides the defendant a list of witnesses whom the Government reasonably expects to call in its case-in-chief.

May 23, 2025: The Government provides the defendant a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial, including in response to the defendant's lists of proposed exhibits that she anticipates seeking to introduce into evidence during the Government's case-in-chief.

The defendant provides the Government material covered by Federal Rule of Criminal Procedure 16 and a list of exhibits that the defendant reasonably expects to seek to introduce during the Government's case-in-chief and his case. This exhibit list will be subject to good-faith revision as the defendant continues to prepare for her case.

The defendant provides to the Government material covered by Federal Rule of Criminal Procedure 26.2.

The parties provide notice to each other, consistent with the requirements of Rule 16, of rebuttal expert testimony, if any.

May 30, 2025: The defendant provides to the Government a list of witnesses whom the defendant reasonably expects to call in his case.

The parties recognize that 3500 and Rule 26.2 obligations are continuing, so when new material is generated after the pertinent deadline described above, such material will be timely provided, *i.e.*, generally less than 48 hours after it is generated, and at least 12 hours prior to the witness to whom it applies next taking the stand.² The parties have also agreed that, consistent with Rule 26.2(c), if the parties intend to withhold any such material on the ground of privilege or work-product, it will provide that material to the Court for timely review.

² The parties agree that if the § 3500 or Rule 26.2 material is generated less than 12 hours before the witness next takes the stand, it shall be produced as soon as is practicable after its generation.

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Furthermore, both the Government and the defendant anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations or the obligation to produce materials obtained pursuant to Federal Rule of Criminal Procedure 17(c), except as otherwise set forth above.

Respectfully submitted,

MATTHEW PODOLSKY
Acting United States Attorney

By: /s/
Jerry J. Fang
Assistant United States Attorney
Southern District of New York
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cc: Defense Counsel (by ECF)